

REMARKS

Claims 1-8, 10-15, 17, 18 and 20 are pending in this application. The following remarks are made responsive to the Office Action mailed November 16, 2005.

Claims 1-3, 5-8, 10-15, 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peyrelevade et al (US 2003/01200550) in view of Wong US 6,343,275. For a 35 U.S.C. 103(a) rejection, the combination of references must disclose each and every element of the claim and provide the motivation to combine the references to make the claimed invention.

The Office Action states "Peyrelevade does not electronically distribute and update the reseller sites but Wong discloses electronically distribute the latest version of the data to said reseller, delivering electronically, from time to time, as determined by the source location, an updated information from said database to the reseller sites with the timing of said distribution determined by said source (col. 4, lines 22-27).

Column 4, lines 22-27 states:

In the case of a just-in-time product reseller, for example, a comprehensive product list is updated electronically in real time or at regular intervals from various sources (e.g., by file download, over the Web, or from CD or floppy distributions or other media or even manual input.)"

This support and Wong do not disclose "the timing of said distribution determined by said source" as recited in claim 1. Therefore, this combination fails to disclose, teach, or suggest all the elements of claim 1, and does not provide motivation to combine the references to make the invention of claim 1.

Claims 2-7

Claims 2-7 depend from claim 1, so the arguments for claim 1 are applicable to them as well. Furthermore, Peyrelevade and Wong, alone or in combination, fail to teach, disclose, suggest or motivate one of ordinary skill in the art to make the additional features of claims 2-7.

Claim 8

As per the discussion of claim 1, the lack of disclosure or suggestion in Peyrelevade is not addressed by the combination of Wong as Wong fails to disclose or suggest that the source location determines the timing of delivery of electronic updates as recited by "delivering electronically, from time to time, as determined by said source location, said updated information from said database to said reseller sites." Therefore, this combination fails to disclose, teach, or suggest all the elements of claim 8, and does not provide motivation to combine the references to make the invention of claim 8.

Claims 10-14

Claims 10-14 depend from claim 1, so the arguments for claim 1 are applicable to them as well. Furthermore, Peyrelevade and Wong, alone or in combination, fail to teach, disclose, suggest or motivate one of ordinary skill in the art to make the additional features of claims 10-14.

Claims 15 and 17

Claim 15 requires in part, a communications link ... responsive to a request for an *electronic version of a user specified product (emphasis added)*, the product being specified in a transaction between the user and a reseller, the user accessing a database controlled by a source to provide the latest version of the product directly from the database.

Peyrelevade only discloses providing modules with current product and marketing information, and Peyrelevade only discloses that the products that it provides current product and marketing information are beauty products. see paragraph [0132].
Peyrelevade does not disclose products that themselves can be delivered only electronically. Only product information and programs related to obtaining and displaying that information are disclosed as being in electronic format. See, for example, paragraph [0059] and [0111] describing the program as used to implement the invention. Peyrelevade, therefore, does not disclose allowing a user to directly access an electronic version of a product from the source of the product.

Wong does not disclose at least “a communications link ... responsive to a request for an *electronic version of a user specified product (emphasis added)*, the product being specified in a transaction between the user and a reseller, the user accessing a database controlled by a source to provide the latest version of the product directly from the database.” Wong discloses updating a product list, but not “allowing a user to directly access an electronic version of a product from the source of the product.” Therefore, this combination fails to disclose, teach, or suggest all the elements of claim 15, and does not provide motivation to combine the references to make the invention of claim 15.

Claim 17

Claim 17 depends from claim 1, so the arguments for claim 15 are applicable to it as well. Furthermore, Peyrelevade and Wong, alone or in combination, fail to teach, disclose, suggest or motivate one of ordinary skill in the art to make the additional features of claim 17.

Claims 18 and 20

Claim 18 requires in part, accepting a purchase order for a user selected product under the control of a source location, controlling the delivery of the product to the user by the source location, and maintaining the commercial relationship between the user and the reseller.

While Peyrelevade discloses the use of a payment engine that allows a customer to purchase the product over the internet, including using the reseller's payment engine (paragraphs [0108-0109]), Peyrelevade does not disclose controlling delivery of the product to the user by the source location. Peyrelevade does not disclose any mechanism for delivery of the product to the user. Peyrelevade only discloses mechanisms for delivering product information to the reseller for display as described with reference to claim 1. Paragraph [0035]. As discussed above, Wong indicates updating a product list, but does not disclose or suggest controlling the delivery of the product to the user by the source location. Therefore, this combination fails to disclose, teach, or suggest all the elements of claim 18, and does not provide motivation to combine the references to make the invention of claim 18.

Claim 20

Claim 20 depends from claim 1, so the arguments for claim 17 are applicable to it as well. Furthermore, Peyrelevade and Wong, alone or in combination, fail to teach, disclose, suggest or motivate one of ordinary skill in the art to make the additional features of claim 20.

Claim 4

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peyrelevade et al (US 2003/01200550) in view of Wong US 6,343,275 and further in view of Narain et al. (US 6,535,506).

Claim 4 requires, in addition to the limitations of claim 1, at least one second communication link established from the source database to an accessing user at a reseller's electronic site such that the accessing user may receive certain data directly from the source database while the accessing user remains in communication with the reseller's electronic site, the second communication link independent from the first-mentioned communication link.

Narain does not provide the disclosure nor motivation for a combination with Peyrelevade and Wong to make the claimed invention of claim 4. In the discussion of Figure 1 in Narain's column 8, Narain does state that "the service provider may make sales to resellers or directly to end user customers." However, the only communication link described is for the provider to supply the reseller with "the software with which to implement his sales activities." Col. 8 lines 17-19. "The service provider 104 is typically a company that supplies to resellers, such as the reseller 106, software and related services. This software and related services enable the reseller to implement the advertising and sale of push to talk buttons to end user customers, who may be merchants." Col. 8, lines 5-10. The interaction between the service provider and the reseller is subsequently described, and some interaction between the reseller and the end user customer in columns 8 and 9, but there is no disclosure or suggestion that it is desirable of a link between the user and the source while the user is accessing the reseller

